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RECIPIENT INFORMATION	SENDER INFORMATION
To: Examiner Lacyk Voice Tel. No.: 703-308-2995 Fax Tel. No.: 703-746-3334 Your Ref.: 08/850,073	From: Cindy A. Lynch Voice Tel. No.: 650-622-2331 Sent By: Our Ref.: 011683-012 Total Pages (Incl. Cover Page): 4

RE: Serial No. 08/850,073 (Reissue)**MESSAGE:**

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is relied upon to support the reissue application **if**:

- (A) an error to support a reissue has been previously and properly stated in a reissue oath/declaration in the application; and
- (B) that error is still being corrected in the reissue application.

If applicant chooses to state any further error at this point (even though such is not needed), the examiner should not review the statement of the further error.

The supplemental reissue oath/declaration must state an error which is relied upon to support the reissue application only where one of the following is true:

- (A) the prior reissue oath/declaration failed to state an error;
- (B) the prior reissue oath/declaration attempted to state an error but did not do so properly; or
- (C) all errors under 35 U.S.C. 251 stated in the prior reissue oath(s)/declaration(s) are no longer being corrected in the reissue application.

WHEN A SUPPLEMENTAL OATH/DECLARATION MUST BE SUBMITTED

The supplemental oath/declaration in accordance with 37 CFR 1.175(b)(1) must be submitted before allowance. See MPEP § 1444 for a discussion of the action to be taken by the examiner to obtain the supplemental oath/declaration in accordance with 37 CFR 1.175(b)(1), where such is needed.

Where applicant seeks to correct an error after allowance of the reissue application, a supplemental reissue oath/declaration must accompany the requested correction stating

See MPEP § 1414.01 for a discussion of the requirements for a supplemental reissue oath/declaration.

1414.01 Supplemental Reissue Oath/ Declaration

If additional defects or errors are corrected in the reissue after the filing of the application, a supplemental reissue oath/declaration must be filed, unless all errors corrected are spelling, grammar, typographical, editorial or clerical errors which are not errors under 35 U.S.C. 251 (see MPEP § 1402). In other words, a supplemental oath/declaration is required where any “error” under 35 U.S.C. 251 has been corrected and the error was not identified in the original reissue oath/declaration.

The supplemental reissue oath/declaration must state that every error which was corrected in the reissue application not covered by the prior oath(s)/declaration(s) submitted in the application arose without any deceptive intention on the part of the applicant.

An example of acceptable language is as follows:

“Every error in the patent which was corrected in the present reissue application, and is not covered by the prior declaration submitted in this application, arose without any deceptive intention on the part of the applicant.”

WHEN AN ERROR MUST BE STATED IN THE SUPPLEMENTAL OATH/DECLARATION

In the supplemental reissue oath/declaration, there is **no need to state an error** which